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We, the Jury: Documenting Diverse Responses to Delia's Culpability in Zora Neale Hurston's "Sweat"

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Abstract

Our qualitative study explored how students in a college composition course used their language and social interactions to interpret, analyze, and synthesize information from four texts to determine a fictional protagonist's culpability in her antagonist's death. Before class, 21st-century, self-identified White students read Zora Neale Hurston's (1926) short story "Sweat" about early 20th-century African Americans confronting racial and economic injustice. They also read a handout of current murder charges with definitions, ranging from first-degree murder to not guilty,[1] and two contemporary academic articles: a psychological article about the definition and symptoms of Battered Woman Syndrome (BWS) and a legal article about the use of BWS as evidence in court.[2] Drawing on Nussbaum's (1995) notion of the "judicious spectator," Bakhtin's (1986) ideas about dialogue, and Bruner's (1996) explanation of cultural community building, we analyzed students' collaborative discourse to understand their language in use and the possible influence of literature to humanize public judgments.

Keywords: Authenticity, classroom discourse, cultural communities, heteroglossia, speech genre, judicious spectator

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[1] The handout of murder charges is a compilation of charges taken from Gerald N. Hill and Kathleen T. Hill's *The People's Law Dictionary,* retrieved from http://dictionary.law.com/Default.aspx?review=true.

[2] a.. Definitions of Murder Charges from *The People's Law Dictionary*. b. "Admissibility of Battered-Spouse-Syndrome Evidence in Alaska" from Duke University School of Law/*Alaska Law Review.* c. "Battered Women Who Kill: Impact of Expert Testimony Type and Timing" from *Psychiatry, Psychology & Law.*

We, the Jury: Documenting Diverse Responses to Delia's Culpability in Zora Neale Hurston's "Sweat"

Introduction

How do people make sense of questions about human guilt and innocence? When working with students who are developing their language and literacy capacities, what kinds of tasks might prepare them for addressing weighty public issues of uncertain right and wrong, especially when those issues involve people from different cultural, historical, and racial backgrounds? What role might literature play in humanizing their judgments and developing their critical literacy? Drawing on research and theory from a diverse range of sources, such as Bakhtin's (1981, 1986) ideas about the dialogic quality of language, Bruner's (1978, 1990, 1996) thoughts on the social construction of meaning, and Vygotsky's (1986) belief in instructional scaffolding, we explore in this article the communal negotiations of young adults grappling with questions about a fictional character's culpability in her husband's death. Nussbaum (1995) suggests that a "judicious spectator" has developed perhaps the most useful balance between a compassionate empathy and a reasoned judgment, drawing as she does on both her emotion and intellect, and thus creating a synthesis of modalities and a deepening of understanding. Why people do the things they do and why they think the things they think come under scrutiny when we can examine the language in use during conversation that involves divergent opinions and seeks consensus. We offer the following account as an example of one way "students might express their critical literacy practices . . . by interrogating [and synthesizing] multiple viewpoints" (Meacham, 2017, pp. 41-42).

In a college composition class, young adult students formed groups of "jurors" and collaborated on deciding the guilt or innocence of a fictional character in a short story. These

students demonstrated stances of responsiveness toward multiple viewpoints in the dialogic process by synthesizing their individual histories, cultural contexts, new information, logic, and others' utterances to make meaning of the evidence at hand (Bakhtin, 1986; Bruner, 1990, 1996; Lindfors, 2008). Students also collaborated by scaffolding the writing skills of the more proficient writers to strengthen those of the weak ones. According to an overview of recent research, collaborative writing activities may improve students' writing competencies and critical thinking (Talib & Cheung, 2017). In the collaborative jury work at the heart of this study, our participants' written and spoken utterances shifted from a casual to an academic speech genre, and they achieved finalization in their discourse (Bakhtin, 1986; Lindfors, 2008; Wood, Bruner, & Ross, 1976).

How our participants' aesthetic responses to Hurston's (1926) short story enhanced their "legal" deliberations as jurors affords an intriguing view of the different ways that humans can interact with texts, fulfilling, even at possible cross purposes, both aesthetic and efferent understandings. On the one hand, prospective jurors in real life have been admonished, as cited by Nussbaum (1995), that they "must not be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling" (p. 55). On the other hand, as Nussbaum also points out, "an ethics of impartial respect for human dignity will fail to engage real human beings unless they are made capable of entering imaginatively into the lives of distant others and to have emotions related to that participation" (p. xvi).

Assigning individual tasks in the jury groups ensured that each student accepted some degree of responsibility for their interactions. In other words, each student accepted an individual role in the jury community, and classmates held each other accountable to fulfill assigned duties. Students in turn yielded to the social rules of polite discourse, collectively sharing responsibility

for the success of their cultural communities' goals. Further, their classroom cultural community was quite different from the plight of the African-American characters in Hurston's short story. Such a juxtaposition required Crane's more privileged White students to re-imagine, indeed re-story, "nondominant, marginalized, and silenced perspectives," resulting in the opportunity to make "manifest embodied, lived realities and identities in sharp contrast to their own (Thomas & Stornaiuolo, 2016, p. 315).

Yet, complicating our country's clear, racially unjust hierarchy whereby Whites generally benefit from all kinds of often invisible privileges, these particular White students came from a rural, poverty culture (Delgado & Stefancic, 2017). Interestingly, in making their deliberations as jurors, only once were any of them recorded alluding to the issue of race or poverty. How conscious were these students of race despite the explicit difference in race and historical context between them and the Black author, characters, and setting in Hurston's short story? Do these students even see themselves as having a race (Delgado & Stefancic, 2017)? How attuned were they, if at all, to the complicated nuances of social and economic justice in the United States? Could literary engagement with imagined characters provoke understanding and empathy?

As Nussbaum (1995) claims for imaginative writing, and which we encourage in our teaching, "this complex cast of mind is essential in order to take the full measure of the adversity and suffering of others, and . . . this appraisal is necessary for full social rationality" (p. 66). People's utterances and textual interactions respond innately to all of their prior knowledge, biases, cultural associations, human interactions, and academic experiences, in a dialogic manner (Bakhtin, 1986). In textual and conversational discourse, humans interpret meaning by responding to and negotiating individual histories and proclivities within a historical, cultural context (Bakhtin, 1986). Twenty-first century White students were removed in history and

culture from Hurston's (1926) fictional story about early twentieth-century African American characters, a gap that allowed space for students' creative and critical thinking.

Widdowson (2002) makes the case for the special influence of literature on students' cognition, stating, “texts that are recognized and read as literary . . . are distinctive not because they give rise to diverse interpretations, but because they are *designed* for diversity in that they do not refer to social and institutionalized versions of reality but represent an alternative order that can only be individually apprehended” (p. 165). The study of literature offers the potential for a kind of alchemy when readers interact in dialogue to make sense *collaboratively* and *imaginatively* and to glean evidence for a just interpretation and an articulate judgment. Nussbaum (1995) elaborates:

> Sympathetic emotion that is tethered to the evidence, institutionally constrained in appropriate ways, and free from reference [only] to one’s own situation appears to be not only acceptable but actually essential to public judgment. But it is this sort of emotion, the emotion of the judicious spectator, that literary works construct in their readers, who learn what it is to have emotion, not for a “faceless undifferentiated mass,” but for the “uniquely individual human being.” (p. 78)

Methods

Context. Crane, an instructor of a college composition course, created the assignment under study, which was held in a satellite campus of a small state college in the Southeast United States. This particular campus served a population of students living in a poor, rural county, in which the per capita income was $19,852, and only 11.8% of its residents had bachelor’s degrees or higher (U.S. Census Bureau, 2016). The seven students who participated in this study—whose ages ranged from mid-teens to late-twenties—listed this county as their county of residence and

self-identified as White when completing the demographic information on their college applications. Adult students and parents of minor dual-enrollment students signed consent forms, which explained the research and permitted us to study their interactions. Additionally, we received approval for this research from a state university's Institutional Review Board.

Data collection. By the time in the semester Crane assigned the collaborative writing project, students had written three essays and completed other writing tasks, such as chapter summaries and discussion-board posts. Thus, Crane had access to copious examples of students' writing, which enabled her to evaluate and classify their abilities into the following three categories: strong, average, and needing assistance. With Vygotsky's (1986) zone of proximal development (ZPD) in mind, she created three-person jury groups, placing one strong, one average, and one needing-assistance writer into each, hoping the strong writers would assist their less proficient peers. Although they initially were divided into three three-student groups, two groups ultimately had only two jurors because their third members were absent on the first day of the assignment.

Crane also wanted to ensure that all writing for the two-class-period assignment would elicit equal participation among members, taking place solely in the classroom—and to prevent one group member from completing the assignment alone at home—so she collected all of the groups' documents, notes, and instructions they received on day one and kept them in group folders, which they could not re-access until day two. This precaution proved necessary because, despite asking students verbally not to work on this project outside of class, recorded conversations revealed that two of the three groups had planned to do so. For instance, Charlotte, in Group 1, made the following offer to Steve and Buddy: "Want me to go home and try and

write some of what you have to type or like bring back Thursday what we have to type?" And Scott and Patty, Group 2, made the following plans:

> Scott: Are you on Facebook? Cause what I think we can do is we could like um get together on Facebook and like a couple times during the week like collaborate like we'll talk and like *I can still write it*; like I have no problem with being the typist. Um if there's some parts that you would like to make sure that you do, like let me know. Um but I think it's important that were talking with each other while it's being written.
>
> Patty: I agree.
>
> Scott: So like I don't completely mess up and you get a horrible grade because of me like that would just be terrible.
>
> Patty: Yeah. Well on Thursday we'll just bring it to class.

Hence, in both these instances, the two strong writers in these groups offered to write the paper at home and type it up in class. However, since Crane collected their notes, instructions, and documents, the students were forced to complete the assignment in class, under the watchful eye of their instructor, who ensured that all group members contributed to the writing.

As with every writing assignment, Crane encouraged her students to consider the purpose and audience for their writing. For this one, their purpose was to reach a consensus on one character's culpability in another's death, using evidence synthesized from four texts to explain the charge of which they found her guilty or not. The assignment was designed to require students to engage in critical thinking, in collaborative meaning making, and in writing a well-reasoned argument. Students had quite a bit of leeway in their sentencing, choosing from seven variations of charges—first-degree murder, second-degree murder, voluntary manslaughter, involuntary manslaughter, criminally negligent manslaughter, or not guilty—and they could

choose to mitigate her "sentence" by using evidence from a psychological article (Terrance, Plumm, & Kehn, 2014) and a legal article (Abbott, 2015) on battered woman syndrome. Students were also encouraged to address a crowded courtroom as their audience, writing in first-person plural, i.e., "*We, the Jury . . .*" Finally, since students were writing as jurors referencing past events, they were instructed to write about them in the past tense.

Before the time of this study, Crane had included several Southern short stories in the curriculum as demanding texts with which her students could engage critically and because of the positive responses to them she had received in past classes. In this semester, for example, prior to reading Hurston's (1926) "Sweat," her students had read Kate Chopin's (1893) "Desiree's Baby" and William Faulkner's (1931, 1939) "A Rose for Emily" and "Barn Burning." Students had engaged in conversations about how Chopin and Faulkner—White authors—develop, emphasize, and minimalize White and Black characters in their stories, and what these treatments suggest about the social construction of race, endemic racial injustice, White supremacy, and White legal, social, economic, and educational privilege in the South (Delgado & Stefancic, 2017). Knowing her students had this background knowledge, Crane wondered how or if they would incorporate it into their deliberations as White jurors, responding to the Black fictional characters of a Black author. The focus, however, was on students' synthesizing literary and non-literary texts to construct a deep understanding of theme and character as well as to write a coherent and well-argued judgment.

Thus, Crane had twin goals in mind for this group assignment. First, she wanted strong writers to assist their less-proficient peers with improving the style and substance of their essays. Second, she wanted students to engage aesthetically and critically with great literature, offering them complex characters, power relationships, and ambiguous human motives to analyze

(Lindfors, 2008; Townsend & Pace, 2005). Subsequently, these twin goals—creating quality essays and analyzing literature—demonstrated students' ability to think critically, which satisfied a college requirement for the students in her composition course.

Broadly, the following research question guided our study: *How do students negotiate collaborative meaning making of diverse texts in small group interactions to reach consensus on a matter of public justice?* To answer this question, Crane created the assignment at the center of this study and collected our data. Townsend collaborated in analyzing the data and drawing implications. We employed discourse analysis in this qualitative study, examining seven students' transcribed conversations, recorded from two separate class periods, as well as the resulting collaboratively written "jury" reports. We derived the majority of data from students' interactions, and we used discourse analysis to study the "turn-taking, reciprocity, intent," and dynamics of their dialogues (Brown, 1995; Nelson & Gruendel, 1988, p. 264). Discourse analysis also served well because students used their dialogues to negotiate meaning within two specific "speech genres," or frameworks (Bakhtin, 1986). They dialogued as mock jurors, analyzing evidence, synthesizing ideas, and drawing conclusions from their readings of a fictional character's death and from a set of non-fiction articles. And they worked as an emerging cultural community to write a college essay synthesizing these sources collaboratively. To facilitate the creation of their cultural community as jurors, Crane insisted students collectively agree on one of three roles for each person in the group: discussion leader; note taker and typist; and evidence/essay organizer. She encouraged everyone to share equally in the discussions and essay writing (the two-person groups combined tasks).

The non-fiction articles presented information about possible criminal charges that the students could imagine bringing against a battered wife in a short story, Delia, who stood by

while her husband was killed by a rattlesnake that he had brought into the house in an attempt to kill her. Hence, students developed their ideas based on both an aesthetic response to a short story and on an information-gathering response to texts with legal and psychological information. Ultimately, they presented their conclusions in an academic essay for a specific audience, Crane, their instructor. The assignment's speech genres (jury deliberations, academic writing) stabilized students' dialogue by providing the frameworks in which they functioned. Our data included transcribed group dialogues, students' collaborative essays, informal interviews for further clarification of students' individual and collective reasoning, and observational field notes.

The writing pedagogy that shaped the jury assignment came from an understanding of the importance of an authentic sense of purpose and audience in guiding the students' rhetorical decision making (Lindfors, 2008). Crane assigned the texts purposely to draw on a range of literacy skills, organizing students so that they would read both informational and literary texts. Her pedagogical approach to the teaching of writing included providing access to textual models, encouraging collaborative talk, and specifying a genuine purpose and audience for the students' writing. Students also had opportunities to revise their ideas in response to classmates' feedback. She organized this assignment as an in-class essay because she wanted to ensure all students participated in the report's composition and editing. She was also thus able to observe the process.

Data analysis. Our choice of data analysis resulted from the social nature of the assignment. Social interaction within their juries enabled students to construct the "reality" of Delia's circumstances and behavior (Kukla, 2000). They acquired knowledge and constructed meanings via their dialogues with each other, in a learning community, an environment that

promoted active, collaborative engagement, and required individual judgment and decision-making. According to Creswell and Poth (2018), students' construction of meanings arises from their "complexity of views," that develop through their individual social and historical interactions with others and from within their "cultural norms" (p. 24). Therefore, we considered these data through a social constructivist epistemology, which recognizes student learning as a social process (Kukla, 2000).

Furthermore, we, as researchers, recognized our own construction of meaning—while observing and analyzing students' interactions—that arose "from [our] own personal, cultural, and historical experiences" (Creswell & Poth, 2018, p. 24). We accordingly positioned ourselves as subjective sense-makers, or interpreters, of students' critical literacy practices. We also note the limitations of the study. We were able to examine a limited sample of discourse from particular interactions among particular participants in a particular context. Nevertheless, we believe the results of the study hold implications for other students in other settings.

Results and Discussion

Cultural communities. Initially, as Crane handed out and discussed the assignment, she perceived students' positive responses by their excited conversations and the universal engagement that followed. Moreover, positive responses from recorded conversations confirmed this perception: Scott (all names are pseudonyms) (Group 2): "I'm likin' this one [assignment]." Vivien (Group 3): "Yeah, but this one's [assignment] not so bad." And Steve (Group 1), excitedly: "We're all just working on one essay here?!"

This assignment required students to express their inquiries and engage in interactive discourse, which we believe fosters agency, critical thinking, and active participation. Furthermore, we believe these positive responses and engagement likely resulted from the

"authenticity" of the assignment, meaning it fulfilled what Lindfors (2008) calls a "genuine communication purpose" (p. 18). In addition to engaging with Hurston's "Sweat" "aesthetically" because of its literary form (more about that later), students also read texts from an "efferent," or pragmatic perspective (p. 18). As imagined U. S. jurors, these students mimicked a pragmatic, real-world activity by synthesizing evidence to determine a "person's" guilt or innocence, likely similar to experiences they had witnessed on television crime shows, relating the detective's activity to their own sleuthing. In a post-activity, informal interview, Scott made this statement about the assignment's appeal: "I liked it because I felt like I was in *CSI* or something." The weakest writer in his group, Steve, likely found this activity appealing because its group dynamic had him working with stronger writers who compensated for his developing abilities. Regardless of the reason, students engaged with analyzing and synthesizing evidence, drawing conclusions about Delia's culpability in Sykes' death with focus and enthusiasm. Indeed, this kind of in-the-body sense making through a creative drama activity can be especially engaging to students (Fleckenstein, 2003; Siks, 1983).

As students worked to analyze and synthesize evidence, they collectively began to construct/reconstruct Delia's narrative. In making meaning of the evidence from the story as well as the possible criminal charges and extenuating circumstances that Delia faced, all of the groups began their deliberations by talking about Delia, the protagonist in the story:

1. Steve (Group 1): She [Delia] probably thought he would kill her, so she thought this was the only way to kill him because he probably thought she wasn't strong enough to kill him.
2. Amy (Group 3): She [Delia] was godly woman, she was true to her faith, uhmm, she said she hated him, she mentioned wanting him dead . . .

> 3. Scott (Group 2): It [Delia's part in Sykes' death] wasn't self-defense, but talking about the psychological state of um Delia . . .

To get a sense of the emotional complexity in Delia's relationship to Sykes, consider the following passage from Hurston's (1926) short story in which Delia reflects on her marriage:

> She lay awake, gazing upon the debris that cluttered their matrimonial trail. Not an image left standing along the way. Anything like flowers had long ago been drowned in the salty stream that had been pressed from her heart. Her tears, her sweat, her blood. She had brought love to the union and he had brought a longing after the flesh. Two months after the wedding, he had given her the first brutal beating. (p. 41)

And these 21st-century White students, by beginning their deliberations by referencing Delia, the protagonist, rather than the definitions of murder charges or the applications of Battered Woman Syndrome in a court of law, humanized and appeared to identify with Delia, a fictional Black woman living in the early 1900s. In fact, throughout the entire assignment, students never referred to her or Sykes as fictional, further suggesting their identification with these characters and engagement with the assignment. They had successfully created a collective cultural community of jurors, albeit only playing the part.

While observing students' deliberations, Crane noticed the students she would have described as assertive in class acquired the discussion-leader roles by consensus in each group, but she also noticed that all students made substantial contributions to the discourse. The data appeared to corroborate these observations. Specifically, among the recorded interactions, these seven students made about 671 utterances,[3] broken down as follows: Group 1—Charlotte (discussion leader), 90, Steve, 55, Buddy, 51; Group 2—Scott (discussion leader), 209, Patty,

[3] Crane determined the number by surmising, to the best of her ability as an observer, *complete* utterances.

164; Group 3—Amy (discussion leader), 54, Vivien, 48.[4] Further, when reviewing instances in the transcripts where it appeared a discussion leader curtailed another's idea, oftentimes the curtailed student returned to complete the thought as in the following examples:

1. Group 1

Steve: That's why I said, "In spite the abuse Delia went through…

Charlotte (discussion leader): I feel like she's a good person.

Steve: She still had an obligation to warn Sykes.

2. Group 2

Patty: However, it was because uh she was attacked. Like she was always attacked and what not and beaten around. So technically you could say that . . .

Scott (discussion leader): So you're saying that her um psychological condition could require more time to cool off?

Patty: Right. Especially since it was towards him, so her emotions might not have been okay.

3. Group 3

Vivien: We were looking for the part whenever he was telling his mistress that uhmm . . .

Amy (discussion leader): Oh, Bertha.

Vivien: . . . that he was going to give her the house. Yes.

In essence, despite the fact that each group contained an assertive discussion leader, these exchanges indicated that less vocal members could and did set the boundaries of their utterances until they expressed their intent. They may also indicate that a sense of camaraderie had been

[4] Crane successfully recorded Group 2's discussions for both days. Crane only successfully recorded one day for Groups 1 and 3. Thus, technical difficulties account for the discrepancy in the number of utterances between Group 2 and Groups 1 and 3.

established among the members of these groups. In any case, here we see students trying to enter into characters' motivations. Did Delia stand by when Sykes entered the house even though she knew the snake was loose inside because she was rightfully afraid? Was Sykes trying to kill Delia with the snake so he could have the house for himself and his new mistress? Did that justify not warning him?

These students' comments and their clear attention to Delia's and Sykes' psychological state demonstrate the power of literature to invite readers into the interior lives of characters, even characters with starkly different experiences than those of their own, thereby rendering them truly human in some important perceptual sense. Therefore, to draw together in contrast both a historical and fictionalized world—in the form of a short story that's likely to arouse one's compassionate emotions, with contemporary legal documents and information that require a sober consideration of such facts as can be known—is to create an opportunity for a kind of mental synthesis perhaps most enlightening.

Across race and historical time, such complexity may demand even greater consideration. These students, self-identified as White in their college entrance application, also came from an area described by the Department of Education as undergirding a rural, White, prison and poverty culture. Three state prisons are located in the same county as the college. Students drew on their own life experiences as well as on new information and a compelling narrative to assign culpability, but there was little attention to race or poverty in their recorded deliberations.

Dialogic discourse. During the second stage of their work as jurors, students engaged more deeply in the dialogic quality of their conversational and textual discourses. Apparently, a literary work has the capacity to elicit emotion in ways informational texts often do not. And students' aesthetic engagement with Hurston's short story suggests a humanizing of the legal

questions at issue as they exchanged ideas with each other. Infinite factors in individual histories no doubt influenced students' responsive understandings during their tenure as jurors. Indeed, several factors became apparent as we reviewed the transcripts. One student, Scott (Group 2), responded by drawing parallels with the actual life experiences of his acquaintances: "I've seen people go through stuff like this before, um not as far as Sykes goes but the other way um so, so I don't think it would go so far to be first degree murder." Other students, like Patty (Group 2) responded with empathy for Delia: "It brings rage to me. You know what I mean? 'Cause he did nothing but beat her and . . ." In contrast, Steve (Group 1) seemed most sympathetic to Sykes: "That [rattlesnake bite] would be a horrible way to die." In addition, Amy and Vivien (Group 3) in their final essay drew on their expectations for religious people by writing: "However, Delia was a godly woman. She was true to her faith and held herself to high standards; does that sound like a murderer to you?"

Scott and Buddy responded similarly by applying their knowledge of 21st-century cultural rules to an early 20th-century text:

1. Scott (Group 2): "But then at the same time why doesn't he just try to divorce her?"
2. Buddy (Group 1): "Why the heck don't she just divorce him?"

Scott's and Buddy's comments may illustrate their unfamiliarity with early 1900s culture and its taboo about divorce. In any case, these students' interactions in conversational and textual discourse inevitably reflected their prior individual histories and cultural associations.

Nevertheless, students' responsiveness did not solely reflect their individual histories and cultural associations; it also reflected other forces, such as acquisition of new information, applications of logic, and dialogue with others. Simply stated, students' utterances were heteroglossic; they continuously responded to new information as jurors. Consider the following

examples. Charlotte (Group 1) responded to an unfamiliar word by looking up its definition and trying it out in a phrase: “What does mitigate mean? So, mitigate means ‘less severe.’ Mitigate within court.” And Vivien (Group 3) responded by searching out new information in "Admissibility of Battered-Spouse-Syndrome Evidence in Alaska": “It says it’s appropriate for the—for the victim to have a testimony regarding trauma-related symptoms.” Both of these students’ responses to new information influenced, in turn, the dynamic collective thinking of their fellow jurors. Group 1 correctly incorporated “mitigate” into their final essay, and Group 3 incorporated Delia’s symptoms of abuse into theirs. According to Bakhtin’s (1981) concept of heteroglossia, Charlotte’s and Vivien’s utterances worked centrifugally, meaning they continuously extended outward, influencing further utterances as they and their group members possibly respond to them throughout the rest of their lives.

Searching through the transcripts yields examples of students’ efforts to inhabit the characters’ interior emotional states and at the same time employ logic to untangle competing versions of the events. Using *material conditional* or *if-then* logical analysis, Scott (Group 2) rejected Patty’s proposal for a voluntary manslaughter charge for Delia: “I don’t really agree with that because the fourth point right here it says. ‘The defendant should not have cooled off during that period.’ And Delia sat there stirring for a good couple hours, so that’s more than enough time to cool off and think about it.” Amy also used logic, specifically *causality reasoning*, to explain to Vivien why Delia does not warn Sykes of the rattlesnake’s presence in their home: “Sykes tried to kill Delia with the snake; therefore her failure to warn him about it being loose in the house was for self-preservation. If he tried to kill her once and he finds out he’s failed, then he’s gonna make another attempt.” Scott’s and Amy’s logical reasoning stemmed from their culture’s “inherent criteria of rightness,” according to Bruner (1996, p. 14).

Students' discourse may be multifaceted and dynamic, but it must make sense within a specific community's expectations. These students maintained a stance of responsiveness within all three groups in the give-and-take exchanges with their peers, and they did so to negotiate a collective judgment about Delia's guilt or innocence.

Here is Hurston (1926) on the question of Delia's state of mind and possible innocence while Sykes is dying from the snakebite:

> She lay there. "Delia, Delia!" She could hear Sykes calling in a most despairing tone as one who expected no answer. The sun crept on up, and he called. Delia could not move—her legs were gone flabby. She never moved, he called, and the sun kept rising. (p. 52)

Was Delia then guilty of murdering Sykes? Was she innocent? Or perhaps she was guilty to some lesser degree? How can we tell? In their dialogue about the event, Scott and Patty (Group 3) responded to each other's ideas to negotiate using self-defense to mitigate a possible sentence for Delia:

> 1. Group 2
>
> Patty: I mean if, if someone's trying to kill you, technically its self-defense. I mean if somebody's out to kill you. . .
>
> Scott: But the definition of self-defense as described in um the article I was given is like the heat of the moment to where it's only applicable in court if like you're in danger of being killed right then whenever you killed the other person.
>
> Patty: Yeah. I see you're right. I mean, I mean it does say it's immediate danger and technically she sat for hours.

Similarly, Amy and Vivien considered each other's ideas to negotiate a possible defense based on Delia as a battered wife and also acknowledged the possibility of race as a factor in the case:

2. Group 3

Vivien: It was an all Black town, too. I don't know if it had law enforcement.

Amy: No. We can't use law enforcement because it doesn't . . . there's nothin' about it. But you're right in the fact that like nobody helped her. Like people were…

Vivien: Okay. But nobody was on her side because . . I mean there were men . . . witnesses to the abuse, and nobody helped her.

Amy: For sure, we've got to include that. She has no one in the community to help her and those men knew it – uh, about the abuse for 15 years!

Vivien: Yes.

The issue of race did not re-enter the conversation. Indeed, this interaction contains the only mention of race in the students' recorded talk or turned-in writing. When Vivien makes the comment, "It was an all Black town, too. I don't know if it had law enforcement," we wonder about the possible stereotyping she was constructing even if she were unconsciously suggesting Black people would not have law enforcement. Nevertheless, Amy immediately sidestepped the issue in her retort, "We can't use law enforcement because it doesn't . . . there's nothin' about it" (presumably in the short story). Neither student mentioned race again as they each went on to consider the more human plight of Delia who had "nobody on her side." We wonder why neither Delia's Blackness nor her poverty appeared salient to these students.

Not every student maintained such sympathy for Delia's plight. In Group 1's exchange, Charlotte responded to Steve's assertions to the contrary and tried to negotiate a more-virtuous presentation of Delia's character:

Group 1

Steve: (typing). . . "Delia Jones killed her husband . . . Many will say she is innocent, but evidence . . . No innocent woman would watch a person, especially her husband, walk into a dark room where forces (?). In spite the abuse Delia went through for years is still not excuse for…"

Buddy: Her actions?

Steve: Her actions.

Charlotte: While you're writing, like, try and keep in mind that like even though it's manslaughter, she's not like a terrible person.

As the discussion leader and even though she clearly had some reservations, Charlotte assented to Steve's assessment that Delia is not innocent, but she continued to argue for some mitigation:

Charlotte: It's just when you say like, "No innocent woman" or whatever "would let her husband walk in there. I feel like that's like…

Steve: She's not really innocent though.

Charlotte: I know but I feel like that's, like, it's indicating she not a good person and I feel she is a good person. She's just…

Charlotte held to her view that the situation is not entirely clear though Steve and Buddy remained skeptical. Even so, Steve eventually agreed to revise his ideas in response to Charlotte's uncertainty about the depth of Delia's culpability:

Steve: Okay, so after I say the part about "No innocent woman would watch a person, especially her husband, walk into a dark room where (something?) is located. After this being said, Delia went through years of abuse and was definitely part of…what is it called?

Buddy: Battered woman's syndrome.

Charlotte: Battered spouse syndrome.

Steve: "…was definitely a case of 'battered spouse syndrome.' . . ."

Charlotte: She developed a case of battered spouse syndrome over the fifteen years of terrible abuse or something.

Steve: Okay. She had it pretty bad.

Here we see a slight shifting in Steve's view as he responded to Charlotte's concern. Thinking and writing alone, Steve may well have kept to his original, fully condemning conclusion. These preceding exchanges revealed dynamic responsiveness among group members in creating each group's collective judgment, but they only hint at the complexity of the dialogic process. With each responsive utterance, students synthesized their individual histories, cultural contexts, new information, logic, and others' utterances to make meaning in this assignment.

The judicious spectator. In the final stage of this study, students continued responding to each other in dialogic discourse, but in this phase they focused their efforts on writing their jury report/collaborative essay. Crane selected jury members based on writing ability she had assessed in previous assignments. She made this assignment an in-class essay because she wanted to ensure all students participated in the report's composition and editing. She also wanted more-proficient writers to use their existing skills as a scaffold for their less proficient peers. Through this scaffolding, the more-proficient writers relieved the weaker writers of the anxiety in producing a finished essay alone, and in doing so, freed them to concentrate on learning from the more developed abilities of others. Groups 3 and 2 demonstrate this kind of scaffolding in the following exchanges.[5]

[5] The recorder for Group 1 malfunctioned on the second day of recording, so Crane could not document their collaboration in writing the essay.

In the first exchange, Vivien, a weak writer, followed Amy's lead while simultaneously trying to contribute information to the writing assignment:

> Amy: Do you think we should uhmm like put that [Delia's beatings] in front of the other two [arguments] to bring that to light or should that be like *the final hurrah* like…
>
> Vivien: I think—I think it should be like—we should—did you have that in the introductory [paragraph]?
>
> Amy: Yeah. Uhmm
>
> . . .
>
> Vivien: I think we could just leave it at that maybe, and if you want to have like maybe…
>
> Amy: Well, that's just in the introductory [paragraph].
>
> Vivien: If you wanted to add like it in *the final hurrah* that she was in the stable and she was psychologically affected by the beatings (muffled).

During their exchange, Vivien clearly deferred to Amy's ideas about organizing their evidence, and she repeated Amy's unusual phrasing: "the final hurrah." In Vivien's own solo writing, Crane had previously observed her struggle with drifting into non-relevant information, and through this exchange, Vivien got to follow the logic behind Amy's pragmatic organization. Indeed, Vivien's repetition of Amy's phrase suggests the attention she gave to Amy's reasoning.

Like the dynamic between Vivien and Amy, in the second exchange, Patty, a struggling writer, deferred to Scott's organization of evidence:

> Patty: We could use the line that was like "If something happens Lord knows it's not my fault." [She suggested using this line at the beginning of the essay.]

> Scott: Mmmmm, no. 'Cause we need to find out which is like the most powerful and we'll, like, end the last paragraph with that. So like we could use like, uh . later. So I think that would be a good third paragraph one.
>
> Patty: Yeah, I agree 'cause that's like good.

During their exchange, Scott rejected Patty's suggestion that they begin their argument with a quote in which Delia acknowledged potential danger for Sykes. Furthermore, he provided an explanation for the rejection; they should save their "most powerful" argument for last. By providing an explanation, Scott taught Patty about an important rhetorical strategy she may consider in her future writing.

The previous exchanges show that through collaboration, more-proficient writers assisted their less able peers. Furthermore, Crane observed this collaborative scaffolding in action. According to her observations, the three weakest writers among the three groups, Steve, Vivien, and Patty, thoroughly engaged with the writing process, contributing suggestions. However, the more-proficient writers modified their contributions in the presence of the struggling writers, and they did so respectfully. Consequently, collaboration not only enabled struggling writers to learn from their more-proficient peers, it also allowed them to maintain their self-esteem by making genuine contributions to the shared discourse. Additionally, it allowed them to reap the reward of grade improvement. Steve, Vivien, and Patty earned grades in the low-*C* range on their previous two essay assignments, but they all earned high *B*s on this one.

While writing the essay assignment, students had to reshape their spoken utterances to academic written English, which sounds very different from the conversational contributions they used in their oral deliberations. Therefore, students had to shift from a casual speech genre to a formal one, one used by academics in school. Within the academic speech genre, students

self-edited, removing the "gonnas" and the "yeahs" in their verbal dialogues, replacing them in their essays with college-level diction, such as "mitigate" and "concur." Consider the following examples. First, Patty casually discussed with Scott Delia's inner reconciliation with her decision to refrain from warning Sykes of the loose rattlesnake:

> Well, we could use the part that's right before that. It's like she thought about past and the, and like her inner religious self. 'Cause that part kind of it, kinda shows that she was aware of the risks but she was willing like to take the risk of letting him die without . . . cause.

However, she and Scott expressed this argument quite differently in their essay:

> Delia had a strong faith-based background. She demonstrates this when she is awakened in the barn by the sound of Sykes smashing the crate previously used to house the rattlesnake. After a period of reflecting upon God's will and her past and weighing both with the current events, she states, "Well, Ah done de bes' Ah could. If things aint right, Gawd knows taint mah fault." Analysis of this statement shows that Delia had knowledge of the victim's danger but had an inner peace with her decision.

Accordingly, the conversational speech genre provided a relaxed framework in which students could synthesize and negotiate their oral utterances; the formal speech genre provided an academic framework in which they could synthesize and negotiate their written ones.

Submitting their written assignments signaled what Bakhtin (1986) calls "finalization" (p. 76). Students had created their cultural communities and fashioned their sense of Delia's culpability by responding to peer and textual utterances in a dialogic process, and, to put it plainly, they finished the assignment. Among these three juries, two found Delia guilty of criminally negligent manslaughter, and one found her guilty of voluntary manslaughter with

BWS mitigating her sentence. Among the other four juries in this class, verdicts ranged from first-degree murder to not guilty.

However, even though students completed this assignment, the finalization only signaled a pause. The dialogic quality of their discourse as jurors ensured that throughout their lives, students will partly resume these utterances in Bakhtin's "dialogic chain," even if unconsciously, in other moments, in different contexts, with new stores of information, experiences, and associations, and with other people, especially perhaps as they participate in speech genres that require informed and compassionate judgments about public matters involving diverse participants. Indeed, we design aesthetic and efferent critical literacy projects such as the one discussed here, in the hope that students may use their critical perspectives far beyond the classroom, to enrich their lives and effect positive change within their worlds.

Conclusion

We began this research hoping to answer the wondering question that arises every time students complete this assignment: *What role might a compelling short story play in developing students' critical literacy?* Certainly, the answer lies somewhere in the dialogic quality of language. We humans unconsciously synthesize an infinite number of internal and external factors into each conclusion we make (Bakhtin, 1981, 1986). To answer our research question, *How do students negotiate collaborative meaning making of diverse texts in small group interactions to reach consensus on a matter of public justice?*, we examined our participants' language in use and could see the power of dialogue to broaden the possibilities for their literary responses and textual interpretations. The work required by each participant reflects what Thomas and Stornaiuolo (2016) call "the idea of struggle" and name it as "central to reader-

writer-text transactions, as readers shape their identities in effortful dialogic interrelationships" (p. 316).

Pragmatically, we believe this study reinforces the value of creating cultural communities in our classrooms because they foster a sense of camaraderie among students, possibly opening minds to divergent opinions and circumstances. It highlights the necessity of granting students the freedom to negotiate their own meaning from texts because doing so cultivates their confidence and capacity to both contribute their ideas and express them in ways that others can understand and willingly consider. It demonstrates that literature, in its power to humanize judgment and encourage empathy, deserves a prominent place in literacy pedagogy. We urge the creation of authentic assignments for students to engage them in ways that are personally meaningful and that draw on diverse perspectives. We also note the importance of collaboration because scaffolding contributes to the growth of both less developed learners and their more academically proficient peers.

Perhaps most important, though, is what these students learned about forming judicious judgments about matters of public concern. They drew on factual understandings of legal matters while also taking into account very human ambiguities in applying those understandings to make fair judgments about Delia's culpability, which remains unsure, yet which elicited diverse judgments by our participants. However, our participants did not consider deeply significant social issues of race or poverty, so opportunities to consider matters of pressing public concern may need to be made explicit. For students to gain and develop both compassion and knowledge, we must draw on their imaginations, asking that they be inclusive in their problem solving, perceptive and wide ranging in their attention, and empathetic to the plight of human actors in a quite uncertain world. The role of literature, too often neglected in our age of standardized

testing, is surely central to this undertaking. Perhaps now, as much as ever, are these capacities called for in our public life.

Indeed, how people in a democratic society come to fair judgments, especially about matters of public concern that involve cultural and linguistic differences, surely merits continued research. We need future studies that explore how other participants in other contexts make sense of complicated questions of justice such as the one in this study. What kind of classroom activities and texts nurture students' empathy for others well as their capacity for logical reasoning? What discourse dynamics encourage critical and creative thinking? What kinds of tasks require students to collaborate and seek consensus among differing perspectives? What role can literature play in developing judicious, critical literacy?

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